?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 29.10.2018

*CORAM
THE HON-BLE MR.JUSTICE S.VAIDYANATHAN
+W.P.(MD) No.21996 of 2018

#A.Karmaideen .. Petitioner

Vs.

$1.The Deputy Registrar
of Cooperative Societies,
Madurai Circle,
Madurai District.

2.The President,
A~3071, Karrattupatti Primary Agricultural
Cooperative Credit Society,
Karrattupatti, Melnchikulam,
Vadipatti, Madurai District.

3.The President,
MM3243 Vadipatti Taluk Cooperative
Staffs Credit Society,
Alanganallur,
Madurai District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the first respondent to release the retirement benefits of the Petitioner to the tune of Rs.17,274,443/~ as requested in his representation, dated 8.10.2018.

!For Petitioner : Ms.Chamundi Bose

^For Respondents : Mr.K.Mu.Muthu,
Addl.Govt.Pleader

:ORDER

This Writ Petition has been filed,for issuance of a writ of Mandamus, directing the first respondent to release the retirement benefits of the Petitioner to the tune of Rs.17,274,443/~ as requested in his representation dated 8.10.2018.

2.Mr.K.Mu.Muthu, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.Even though the Petitioner has come forward with the above said prayer that the terminal benefits to the tune of Rs.17,274,443/~ to be disbursed by taking into consideration the representation, dated 8.10.2018, as the petitioner stood as a guarantor to one Muthuramalingam, who expired 21.02.2012 and that the said Muthuramalingam has to pay a sum of Rs.89,496/~ being the balance of the amount outstanding payable to the society. The Petitioner would submit that after deducting the said mount, the terminal benefits due to him may be paid and he would work out the said amount from the legal heirs of Muthuramalingam. As the Petitioner has no objection for deducting a sum of Rs.89,496/~ from his pensionary benefits together with statutory interest, the remaining amount shall be paid to him.
4.Taking into consideration of the above submission, the first respondent is directed to deduct a sum of Rs.89,496/~ together with statutory interest from the pensionary benefits of the Petitioner and the balance amount shall be paid to the Petitioner within a period of one month from the date of receipt of a copy of this order. If the amount is not paid within the time stipulated by this Court, the terminal benefits will fetch interest at the rate of 12% p.a payable to the Petitioner and the first respondent shall not levy interest on a sum of Rs.89,496/~. If the above said pensionary benefits is not payable to the Petitioner within the time stipulated, the interest portion shall be recovered from the salary of the official responsible for not disturbing the amount.

6.With the above directions, the Writ Petition is disposed of. No costs.

To:

1.The Deputy Registrar of Cooperative Societies,
Madurai Circle,
Madurai District.

2.The President,
A~3071, Karrattupatti Primary Agricultural
Cooperative Credit Society,
Karrattupatti, Melnchikulam,
Vadipatti, Madurai District.

3.The President,
MM3243 Vadipatti Taluk Cooperative
Staffs Credit Society,
Alanganallur,
Madurai District.